

2004 MAY -6 PM 4:06

BellSouth Telecommunications, Inc
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guy.hicks@bellsouth.com

VIA HAND DELIVERY

May 6, 2004

T.R.A. DOCKET ROOM

Guy M Hicks
General Counsel
615 214 6301
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Hon. Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Petition of Cinergy Communications Company for Arbitration of an Interconnection Agreement with BellSouth Telecommunications, Inc. pursuant to the Telecommunications Act of 1996*
Docket No. 01-00987

Dear Chairman Tate:

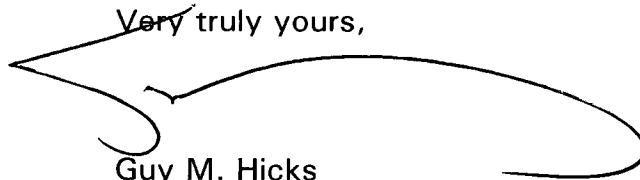
This is to request that the Authority establish a briefing schedule with respect to the *Motion for Summary Judgment* filed on May 4, 2004, by Cinergy Communications Company ("Cinergy").

This arbitration proceeding has been dormant since September 9, 2002, when Cinergy submitted a letter requesting that the Authority postpone the proceedings until after a generic proceeding regarding DSL over UNE-P was completed. No party has sought a generic proceeding. No schedule has been established for any aspect of the arbitration since the postponement.

Now, approximately 18 months later, Cinergy has filed a *Motion for Summary Judgment* asking that the Authority re-commence the arbitration and rule in Cinergy's favor with respect to Issue 12, the DSL over UNE-P issue. BellSouth wishes to file a brief in opposition to Cinergy's *Motion* and proposes that it be allowed thirty days to do so. BellSouth proposes that it file its response on June 3, 2004.

I have discussed this request with local counsel for Cinergy and can represent to you that Cinergy does not object to the requested June 3 filing date.

Very truly yours,



Guy M. Hicks

CERTIFICATE OF SERVICE


I hereby certify that on May 6, 2004, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

Henry Walker, Esquire
Boult, Cummings, et al.
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hwalker@boultcummings.com

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

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A handwritten signature in black ink, appearing to be "H. Walker", written over a horizontal line.